

TSD File Inventory Index

Date: April 27, 2006

Initial: CMK/aisao

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Total -1

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1. Lab Data - Soil Sampling / Groundwater			

Note: Transmittal Letter to Be Included with Reports.
Comments: _____

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1. Article Addressed to:

DAVID SCHMIDT
DIRECTOR OF ENVIRONMENTAL OCCUPATIONAL SAFETY
ILLINOIS INSTITUTE OF TECHNOLOGY
3105 SOUTH FEDERAL STREET
CHICAGO IL 60636

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PS Form 3811, March 2001

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102595-01-M-1424



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

06 JUN 2005

REPLY TO THE ATTENTION OF

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

DE-9J

David Schmidt
Director of Environmental & Occupational Safety
Illinois Institute of Technology
3105 South Federal Street
Chicago, Illinois 60616

Re: Notice of Violation dated April 18, 2005
EPA I.D. No.: ILR 000 062 604

Dear Mr. Schmidt:

On April 18, 2005, the United States Environmental Protection Agency (U.S. EPA) issued the Illinois Institute of Technology (IIT) located in Chicago, Illinois, a Notice of Violation (NOV) identifying violations of the hazardous waste management requirements found in Title 35 of the Illinois Administrative Code. U.S. EPA received IIT's response to the NOV on May 20 and May 31, 2005.

This letter is to inform you that U.S. EPA has reviewed IIT's response and determined that no further enforcement action will be taken at this time. This determination does not limit the applicability of the requirements evaluated, other RCRA regulations, or regulations under other environmental statutes. IIT's hazardous waste management operations will continue to be evaluated by U.S. EPA and the Illinois Environmental Protection Agency in the future.

If you have any questions and/or concerns regarding this matter, please contact Sheila Burrus, of my staff, at (312) 886-3587.

Sincerely,

A handwritten signature in cursive script, reading "Lorna M. Jereza", is positioned above the typed name and title.

Lorna M. Jereza, P.E., Chief
Compliance Section I
Enforcement and Compliance Assurance Branch
Waste, Pesticides and Toxics Division

cc: Todd Marvel, Illinois EPA



Waste, Pesticides and Toxics Division

Type of Document: ☐ Notice of Violation and Inspection Report/Checklist
☐ No Violation Letter and Inspection Report/Checklist
☐ Letter of Acknowledgment
☐ Information Request
☐ Pre-Filing and Opportunity to Confer
☐ State Notification of Enforcement Action

RTC

Facility Name: Illinois Institute of Technology

Facility Location: 3105 South Federal Street

City: Chicago State: IL

U.S. EPA ID# ILR 000 062 404

Assigned Staff S. Burrell Phone: 6-3587


Name	Signature	Date
Author	<i>Shirley Burrell</i>	<i>6/2/05</i>
Regional Counsel		
Section Chief	<i>Laura M. Jones</i>	<i>6/3/05</i>
Branch Chief		

Directions/Request for Clerical Support:

After the Section Chief/Branch Chief signs this sheet and original letter:

1. Date stamp the cover letter;
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 - One copy for the assigned staff;
 - One copy for the section file;
 - One copy for the branch file; and
 - One copy for the official file.
3. Make any additional copies for cc's or bcc's.
4. Mail the original certified mail and distribute office copies and cc's and bcc's.
Once the certified mail receipt is returned:
5. File the certified mail receipt (green card), with this sign-off sheet and the official file copy, and take to 7th floor RCRA file room;
6. E-mail staff the date that the letter was received by facility.

James Cha/R5/USEPA/US
04/07/2005 11:10 AM

To Sheila Burrus/R5/USEPA/US@EPA
cc
bcc
Subject Re: IIT 

Hi, Sheila. See attached NOV. A few revisions in redline.

I concur with the NOV as revised. Thanks.



IIT.wpd



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

18 APR 2005

REPLY TO THE ATTENTION OF

DE-9J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

David Schmidt
Director of Environmental & Occupational Safety
Illinois Institute of Technology
3105 South Federal Street
Chicago, Illinois 60616

Re: Notice of Violation
Compliance Evaluation Inspection
EPA I.D. No.: ILR 000 062 604

Dear Mr. Schmidt:

On August 11 and August 24, 2004, a representative of the United States Environmental Protection Agency (U.S. EPA) inspected the Illinois Institute of Technology (IIT), located in Chicago, Illinois. The purpose of the inspection was to evaluate IIT's compliance with certain provisions of the Resource Conservation and Recovery Act (RCRA), specifically, those regulations related to the generation, treatment and storage of hazardous waste. Please find enclosed a copy of the inspection report for your reference.

Based on the U.S. EPA's August 11 and August 24, 2004, inspections that included personal observations and a review of records, and receipt of information provided by IIT's personnel, U.S. EPA finds that IIT is engaged in the management of hazardous waste without a hazardous waste permit, and is in violation of the requirements of the Illinois Administrative Code (IAC) and the United States Code of Federal Regulations (CFR). To be eligible for the exemption from the requirement to obtain a hazardous waste storage permit, IIT must be in compliance with the conditions of 35 IAC §§722.134(a) and (c) [40 CFR §§ 262.34(a) and (c)]. Specifically, we find that IIT is in noncompliance with the following conditions for a storage permit exemption, and in violation of the following requirements:

- a. In order to avoid the need for a hazardous waste storage permit, a large quantity generator must properly label or clearly mark its containers with the words, "Hazardous Waste." See 35 IAC 722.134 [40 CFR 262.34(a)(3)]. At the time of the August 11, 2004, inspection, IIT had not labeled or marked a number of loose bottles of hazardous waste with the words, "Hazardous Waste," and had not labeled four 55-gallon containers of hazardous waste with the words, "Hazardous Waste." In addition, at the time of the

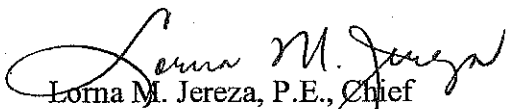
August 24, 2004, inspection, IIT had not labeled or marked satellite accumulation containers of hazardous waste, or the cabinets holding these containers, with the words "Hazardous Waste," and had not labeled a container of off-spec solvent hazardous waste with the words, "Hazardous Waste." IIT therefore failed to comply with the above-mentioned condition for a permit exemption, and violated the storage facility marking requirement.

- b. A generator of used oil must label or mark clearly all containers used to store used oil with the words, "Used Oil." See 35 IAC 739.122(c)(1) [40 CFR 279.22(c)(1)]. At the time of the August 24, 2004, inspection, one of IIT's used oil storage containers had not been labeled or clearly marked with the words, "Used Oil." IIT therefore violated the used oil labeling requirement.

At this time, U.S. EPA is not requiring IIT to apply for a hazardous waste storage permit, so long as IIT immediately establishes compliance with the conditions for an exemption outlined above. Under Section 3008(a) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a), U.S. EPA may issue an order assessing a civil penalty for any past or current violation and requiring compliance immediately or within a specified time period. Although this letter is not such an order, we request that you submit a written response to the violations cited above within 30 days of receipt of this letter. The response should document the actions, if any, that you have taken since the inspection to comply with the above requirements. You should submit your response to Sheila Burrus, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard (DE-9J) Chicago, Illinois 60604.

If you have any questions regarding this matter, feel free to contact Sheila Burrus of my staff, at (312) 886-3587.

Sincerely,



Lorna M. Jereza, P.E., Chief
Compliance Section 1
Enforcement and Compliance Assurance Branch

Enclosure

cc: Todd Marvel, IEPA

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 W. JACKSON BOULEVARD
CHICAGO, IL 60604

COMPLIANCE EVALUATION INSPECTION REPORT

INSTALLATION NAME: Illinois Institute of Technology

EPA ID No.: ILR 000 062 604

LOCATION ADDRESS: 3105 South Federal Street
Chicago, Illinois 60616

NAICS CODE: 541390

DATE OF INSPECTION: August 11 and 14, 2004

U.S. EPA INSPECTOR: Michael Berkoff

PREPARED BY: *for* Michael Berkoff 4/15/05
Michael Berkoff
Environmental Scientist
Date

REVIEWED BY: *for* Lorna M. Jereza, P.E., Chief 04/18/05
Lorna M. Jereza, P.E., Chief
Compliance Section 1
Enforcement and Compliance Assurance Branch
Date

Purpose of Inspection

The purpose of the inspection was to conduct a Compliance Evaluation Inspection (CEI) at Illinois Institute of Technology (IIT) for management of its RCRA regulated waste.

Site Information

The Illinois Institute of Technology (IIT or the university) is a university that has teaching and research laboratories that generate hazardous waste. Hazardous waste is generated at multiple labs on campus where it is kept in satellite accumulation containers. Storage of IIT's hazardous waste occurs at one location. The hazardous waste storage area is a shed located at 3105 South Federal Street. Currently, IIT operates as a small quantity generator of hazardous waste, so IIT operates the shed as a 180 day hazardous waste storage area.

There are other institutions and entities on the IIT campus that also generate RCRA regulated waste. These are tenants of IIT. IIT does not handle nor store the waste generated by these entities. Because of this, none of them were investigated during this CEI of IIT. A list of these tenants was provided to U.S. EPA by IIT in an email which is attached to this report.

Site Inspection

August 11, 2004

I arrived at IIT and met with David Schmidt, the Director of Environmental & Occupational Safety for IIT. I explained to Mr. Schmidt that I would like to conduct a hazardous waste inspection of the facility, and presented to him my U.S. EPA enforcement credentials. He agreed to give me a tour of the facility, provide me any necessary paperwork, and answer any questions that I might have. It was decided that I would conduct a brief opening meeting, a physical inspection of the IIT hazardous waste storage area, review of IIT's hazardous waste related paperwork and conduct a wrap-up meeting with Mr. Schmidt.

There are seven U.S. EPA hazardous waste identification numbers assigned to the IIT campus. Mr. Schmidt explained that IIT has asked for multiple hazardous waste generator numbers when the university has generated large quantities of hazardous waste in singular instances at different locations on the campus. Mr. Schmidt cited a spill on March 28, 2002 that required IIT to request a new U.S. EPA hazardous waste generator number. The spill was cleaned up by Clean Harbors. The U.S. EPA identification number for the hazardous waste storage area is ILR 000 062 604. A list of the U.S. EPA hazardous waste identification numbers assigned to IIT is attached to this report.

Mr. Schmidt told me that the waste within the hazardous waste storage area was disorganized. Most of the off-spec materials from the research lab stock rooms had been delivered to the hazardous waste storage area the previous day. Included in the newly delivered waste were caustic materials for cleaning the cooling lines at IIT. The materials were unused, but the supplier would not take back the open containers. He also said that there would be recently collected florescent tubes in the hazardous waste storage area. All of the collection and handling of IIT's hazardous waste is done by Heritage Environmental (Heritage). Heritage also serves as the transporter of IIT's hazardous waste.

We arrived at the hazardous waste storage area where I observed nine 5-gallon containers of used oil. Some of these were labeled waste and some were labeled, "Used Oil." I told Mr. Schmidt that they all should be labeled, "Used Oil."

I observed a number of 55 gallon hazardous waste containers that were properly labeled. There were also small containers of hazardous wastes that were disorganized and unlabeled. This unlabeled and unsorted waste comprised of a number of loose bottles containing hazardous waste which had been brought to the storage area the previous day. Mr. Schmidt said that the waste would be sorted and packed into 55 gallon drums. The waste included bottles of flammable liquids. There were four 55-gallon drums that were unlabeled, though Mr. Schmidt said that none of them contained non-hazardous materials.

Emergency information was not posted in the hazardous waste storage area. Mr. Schmidt believed the information to be next to the inspection log, which was on a table in the hazardous waste storage area, but he could not find it. He said that he would post the information inside and outside of the shed immediately after the inspection. There was no phone in the hazardous waste storage area, but there was a campus security phone close to the shed. Additionally, Mr. Schmidt and the contractor from Heritage are the only people that enter the hazardous waste storage area and both have cell phones with them at all times.

Mr. Schmidt and I returned to his office where he provided to me IIT's hazardous waste related documents. I reviewed the IIT's hazardous waste manifests for the previous 3 years. Mr. Schmidt had in his records the state's copy of manifest # IL10817492. I showed it to him and he said that he would send it to the state immediately after the inspection. Other than this manifest copy, IIT's hazardous waste manifests appeared to be in order. Mr. Schmidt provided to me IIT's hazardous waste determination information. IIT appears to have properly identified their waste.

Mr. Schmidt is the only IIT employee that handles hazardous waste, so he is the only person that is required to receive hazardous waste training. He was able to present documents showing that he receives training annually. Heritage does all of the handling of hazardous waste, but since they are not employees of IIT, it is not necessary to review their training records as a part of this inspection.

IIT is a small quantity generator of hazardous waste, so it is not required to maintain a contingency plan. IIT has made the necessary arrangements with local emergency services. Their own public safety personnel conducts regular inspections of the IIT facilities in conjunction with Chicago Hazardous Materials personnel.

August 24, 2004

I returned to the IIT on August 24, 2004 for the purpose of inspecting IIT's satellite accumulation areas and reviewing the condition of the waste in IIT's hazardous waste storage shed. Mr. Schmidt had emailed U.S. EPA showing that the small containers of unlabeled waste had been packed into drums. Additionally, Mr. Schmidt provided photographs in the email showing that he had posted signs, containing emergency information, inside and outside the hazardous waste storage area.

I arrived at the site and asked Mr. Schmidt to take me to the satellite accumulation areas around the IIT campus. We visited five of the seven locations at which hazardous waste is regularly generated and held in satellite accumulation containers. The satellite accumulation containers (or cabinets holding the containers) lacked labels identifying their contents as hazardous waste. My findings are summarized in the following table:

LOCATION ADDRESS	LOCATION USE	FINDINGS
3429 S. Federal, rm. 136C	Engineering research (wet chemical and small instrumentation lab)	Small amount of waste with no labels identifying it as hazardous waste
Wisnick Hall (chemistry building) rm 314	Polymer synthesis	4 or 5 solvent waste streams 1 carton with poly-aromatic hydrocarbons
Wisnick Hall (chemistry building) rm 328	Organic synthesis lab	No hazardous waste label on the satellite accumulation container
Wisnick Hall (chemistry building) rm 212	Materials design and catalysis lab	No hazardous waste label on the cabinet that holds the accumulation container
Wisnick Hall (chemistry building) rm 334	Research lab	No label on acetone waste and no label on the two hazardous waste containers

Mr. Schmidt and I went to the hazardous waste storage shed after my inspection of the satellite accumulation containers. My intent was to see the corrective actions that he had done to the hazardous waste storage area. I observed that there were 5 drums within the shed. Two of them had the accumulation start date of 8/13/04. One of them was full and the other one barely contained anything. Mr. Schmidt said that these containers held the unlabeled waste that I had observed during the August 11, 2004 CEI. There were a number of used oil containers and one of them was not labeled, "Used Oil". There was a container of off spec solvent that did not have a label.



Waste, Pesticides and Toxics Division

Type of Document: ☒ Notice of Violation and Inspection Report/Checklist
☐ No Violation Letter and Inspection Report/Checklist
☐ Letter of Acknowledgment
☐ Information Request
☐ Pre-Filing and Opportunity to Confer
☐ State Notification of Enforcement Action

Facility Name: Illinois Institute of Technology

Facility Location: 3105 South Federal Street

City: Chicago State: IL

U.S. EPA ID# IL 005 104 411 ILR D000062 604

Assigned Staff M. Berkoff/Shaila Burrus Phone: 6-3587

Deafed NOV

Name	Signature	Date
Author	<i>Shaila Burrus</i>	<i>4/7/05</i>
Regional Counsel	<i>e-cmurrine (J. Cha)</i>	<i>4/7/05</i>
Section Chief	<i>Lerna M. Fox</i>	<i>4/15/05</i>
Branch Chief		

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 - One copy for the official file.
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Once the certified mail receipt is returned:
5. File the certified mail receipt (green card), with this sign-off sheet and the official file copy, and take to 7th floor RCRA file room;
6. E-mail staff the date that the letter was received by facility.

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1. Article Addressed to:

DAVID SCHMIDT
DIRECTOR OF ENVIRONMENTAL & OCCUPATIONAL SAFETY
ILLINOIS INSTITUTE OF TECHNOLOGY
3105 SOUTH FEDERAL STREET
CHICAGO IL 60616

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E. A. FERLIN

C. Signature

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